

REMARKS

I. Corrections of Typographical Errors

Claims 1, 16, 34, 37, and 45 have been amended to correct typographical errors.

II. 37 C.F.R. §1.105

Applicant will sequentially address each item in the Office Action.

A. Regarding Item 2

Applicant identifies PIVIA's Performance Server as an exemplary product that embodies the disclosed subject matter of at least every independent claim of the pending application (i.e., claims 1, 18, 22, and 29). Applicant specifically identifies the Express Loader within the Performance Server as embodying the disclosed subject matter. See Exhibit 1 for a description of the Performance Server and the Express Loader downloaded from PIVIA's web site on November 19, 2004.

The Applicant is unaware of any properties of similar products and services in the prior art.

B. Regarding Item 3

Applicant identifies PIVIA's Performance Server as an exemplary product that has incorporated the claimed subject matter of at least every independent claim of the pending application (i.e., claims 1, 18, 22, and 29). Applicant specifically identifies the Express Loader within the Performance Server as having incorporated the claimed subject matter. See Exhibit 1 for a description of the Performance Server and the Express Loader downloaded from PIVIA's web site.

C. Regarding Item 4

Prior to submitting the petition to make special, Applicant performed an exemplary rigid comparison involving at least claim 1 and source code of PIVIA's own web site. Due to changes of counsel, the previous rigid comparison and a copy of the source code of PIVIA's web site cannot now be readily obtained. PIVIA has now been acquired (see Exhibit 6) and its web site is no longer publicly accessible. However, as Exhibits 2-4 show, at least one of PIVIA's customers is using PIVIA's Express Loader which infringes the claimed subject matter.

Exhibit 2 is a copy of the source code of the home page of PIVIA's customer, Bed Bath and Beyond, after having been processed by the PIVIA Express Loader. Exhibit 3 is a copy of a screen shot showing a browser cache after accessing the home page of Exhibit 2. As will be described with respect to Exhibit 4 below, Exhibits 2 and 3 show that PIVIA and its customer infringe the claimed subject matter.

Exhibit 4 is an exemplary rigid comparison of claim 1 and Bed Bath and Beyond's web site as processed by PIVIA's Express Loader. Other pending independent claims include similar limitations as in claim 1. Therefore, exemplary rigid comparisons of those claims to Bed Bath and Beyond's home page are not included to avoid redundancy.

Exhibit 5 includes: (a) a list of PIVIA's customers (including Bed Bath and Beyond, as well as others) as advertised at PIVIA's web site; (b) a PIVIA web page categorizing its own customers; and (c) articles by or regarding some of PIVIA's customers indicating the use of PIVIA's Express Loader by these customers. Similar to Bed Bath and Beyond, these customers are also believed to be infringers of the claimed subject matter.

Applicant is unable to readily obtain specific place and date of use of the Express Loader by PIVIA's customers and/or sale of the Express Loader by PIVIA's to its customers. However, the date of the PIVIA web pages shows that infringement has been occurring at least as early as November 19, 2004.

D. Regarding Item 5

In the prior art, it is commonly required to embed one or more objects in a first web document, so that when the first document is downloaded, the embedded objects are downloaded and the ensemble is displayed in a content browser.

In order to improve performance, browsers typically have caches that store web objects for later use. However, when content on the web site changes, such cached objects may cease to be current. In order to maintain currency of cached objects, browsers may validate cached objects with the web server prior to reuse. However, when a web page has a number of such embedded objects, the time required to validate the cached copies of the embedded objects is significant, substantially degrading performance.

The techniques disclosed in the present application provide systematic, automated and transparent methods and systems for managing versions on content servers. In particular, methods and systems are disclosed for modifying web (or other networked) documents having embedded objects in order to ensure that the embedded documents may be cached and reused without necessarily requiring validation checks, and yet substantially guaranteeing validity. Reducing or eliminating the validation checks can result in improved performance for the user as well as significant reduction in the usage of server resources and network bandwidth.


With regard to the pending independent claims, at least elements (b) and (c) of claim 1, elements (b) and (c) of claim 18, elements (b) and (c) of claim 22, and element (b) of claim 29, provide the above stated improvements over the prior art. The dependent claims incorporate all the limitations of their respective independent claims; therefore, the dependent claims also provide the above stated improvements over the prior art.

III. Conclusion

In view of the foregoing, it is respectfully submitted that the application is now in condition for substantive examination. Should the Examiner believe that a telephone interview would help advance the prosecution of this case, the Examiner is requested to contact the undersigned attorney.

Respectfully submitted,

By:

A handwritten signature in black ink, appearing to read 'Roxana H. Yang', written over a horizontal line.

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